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5 UNITED STATES DISTRICT COURT  
6 EASTERN DISTRICT OF WASHINGTON

7 ELLIOTT D. GOODIN,

8 Plaintiff,

9 v.

10 IKE (ROBERT) VERCOE,

11 Defendant.

NO. 2:18-CV-0392-TOR

ORDER DENYING PLAINTIFF'S  
MOTION FOR PROTECTION  
ORDER AND MOTION TO  
APPOINT INVESTIGATOR

12 BEFORE THE COURT are Plaintiff's Motion for Protection Order (ECF  
13 No. 37) and Motion to Appoint Investigator (ECF No. 41). These matters were  
14 submitted for consideration without oral argument. The Court has reviewed the  
15 record and files herein, and is fully informed. For the reasons discussed below,  
16 Plaintiff's Motion for Protection Order (ECF No. 37) and Plaintiff's Motion to  
17 Appoint Investigator (ECF No. 41) are DENIED.

18 **A. Motion for Protection Order**

19 Plaintiff filed a request for a "protection order," which this Court construes  
20 as a request for preliminary injunctive relief. ECF No. 37. Plaintiff specifically

ORDER DENYING PLAINTIFF'S MOTION FOR PROTECTION ORDER  
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1 requests a court order prohibiting Defendant from coming within 200 yards of  
2 Plaintiff. *Id.* Plaintiff's request is duplicative of his prior Motion for Temporary  
3 Restraining Order. ECF No. 15 (requesting Defendant be prohibited from coming  
4 within 500 yards of Plaintiff). As the Court previously explained at ECF No. 19,  
5 Plaintiff's request would bind Defendant's employer, the State of Washington, but  
6 the State is not a party in this case. That Eastern State Hospital may receive  
7 federal funding, as Plaintiff argues, does not give rise to jurisdiction in this case.  
8 ECF No. 40. Therefore, this Court does not have jurisdiction to restrain the State  
9 by ordering its employee, Defendant, to maintain a certain distance from Plaintiff  
10 in the scope of Defendant's employment. Even if this Court did have jurisdiction,  
11 Plaintiff fails to discuss the relevant legal considerations for injunctive relief, much  
12 less establish a legal entitlement to such relief. *See Winter v. Nat. Res. Def.*  
13 *Council, Inc.*, 555 U.S. 7, 20, 22 (2008); *All. for the Wild Rockies v. Cottrell*, 632  
14 F.3d 1127, 1131 (9th Cir. 2011). For these reasons, Plaintiff's Motion for  
15 Protection Order (ECF No. 37) is denied.

#### 16 **B. Motion to Appoint Investigator**

17 Plaintiff filed a request that the Court appoint the Eastern State Hospital  
18 investigator or another investigator from the State of Washington to investigate  
19 Plaintiff's case due to Plaintiff's indigent status. ECF No. 41. Plaintiff is  
20 proceeding *pro se* and *in forma pauperis*. "The Supreme Court has declared that

1 ‘the expenditure of public funds [on behalf of an indigent litigant] is proper only  
2 when authorized by Congress ....’” *Tedder v. Odel*, 890 F.2d 210, 211-12 (9th Cir.  
3 1989) (citing *United States v. MacCollom*, 426 U.S. 317, 321 (1976)) (brackets in  
4 original). Congress has authorized an indigent party to a civil suit to apply to  
5 proceed *in forma pauperis*, which allows the party to proceed without prepayment  
6 of court fees. 28 U.S.C. § 1915(a)(1). However, the IFP statute does not authorize  
7 payment of litigation costs, “implying that even IFP plaintiffs are expected to bear  
8 the burden of these expenses.” *Clinton v. Cal. Dep’t of Corr.*, No. CIV S-05-1600-  
9 LKK-CMK-P, 2009 WL 210459, at \*5 n.10 (C.D. Cal. Jan. 20, 2009). Plaintiff’s  
10 indigent status does not justify the appointment of an investigator at public  
11 expense. Plaintiff’s Motion to Appoint Investigator (ECF No. 41) is denied.


12 **ACCORDINGLY, IT IS HEREBY ORDERED:**

- 13 1. Plaintiff’s Motion for Protection Order (ECF No. 37) is DENIED.
- 14 2. Plaintiff’s Motion to Appoint Investigator (ECF No. 41) is DENIED.

15 The District Court Executive is directed to enter this Order and furnish  
16 copies to counsel.

17 **DATED** March 10, 2020.



  
THOMAS O. RICE  
Chief United States District Judge